APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,129	12/31/2001	Montgomery C. McGraw	067856.0235	1076

7590   09/07/2005

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EXAMINER
REILLY, SEAN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/039,129	MCGRAW ET AL.
	Examiner	Art Unit	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 June 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _6/27/05_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for

reconsideration filed on 6/13/05. Claims 1-31 are presented for further examination.

Independent claims 1, 17, 22, and 27 have been amended. Applicant also affirmed the previous

election without prejudice and canceled claims 32-35.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/27/05 is in compliance with the

provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being

considered by the examiner.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this

application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

2.   Claims 1-13 and 17-31 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 10-42 of copending

Application No. 10/039051. Although the conflicting claims are not identical, they are not

patentably distinct from each other. Refer to the tables and remarks below for specific claim

mappings and further explanation.

3.   This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Co-pending Application # 10/039051	Instant Application # 10/039129
10. A system, comprising: *a first computing device*, including a first console and a first console interface operable to transmit first console information associated with the first console;	1. A system, comprising: *a plurality of computing devices*, each computing device having a respective console, and a respective console interface; each console interface being operable to transmit console information associated with the respective console;
a *second computing device* coupled for communication with the first computing	*a console server* coupled for communication with the plurality of computing devices, the

device, the second computing device having a memory module operable to receive the first console information;	console server including a memory module;
and the memory module being further operable store the first console information.	and wherein the memory module is operable to receive and store at least a portion of the console information.

4. Regarding claim 10, the limitation "a first computing device" does not the limit the claim scope to only one computing device; therefore "a plurality of computing devices" is within the scope of the claim and an obvious variant. Further in claims 12-13 an additional client computing device is claimed (third computing device), showing that the second computing device is capable of and does indeed communicate with more than one device (a plurality of computing devices) as in instant application claim #1.

5. The limitation "a console server" is interpreted to be synonymous with "a second computing device" in the co-pending application.

Co-pending Application # 10/039051	Instant Application # 10/039129
19. A method for storing console information, comprising:	17. A method for storing console information associated with a plurality of computing devices, each computing device having a respective console, and a respective console interface, comprising:

	coupling a console server for communication with a plurality of computing devices,
	the console server including a memory module;
transmitting console information associated with a console, from a console interface;	transmitting console information associated with the respective console, from the respective console interface;
receiving the console information at a memory module;	receiving the console information at the memory module; and
and storing the console information at the memory module.	storing, at least temporarily, the console information at the memory module.

Co-pending Application # 10/039051	Instant Application # 10/039129
23. A method for storing console information, comprising, a first computing device including a first console and a first console interface, and	17. A method for storing console information associated with a plurality of computing devices, each computing device having a respective console, and a respective console interface, comprising:
coupling a first computing device and a second computing device	coupling a console server for communication with a plurality of computing devices,
the second computing device including a memory module;	the console server including a memory module;

transmitting first console information associated with the first console from the first console interface to the memory module;	transmitting console information associated with the respective console, from the respective console interface;
receiving the first console information at the memory module; and	receiving the console information at the memory module; and
storing the first console information at the memory module.	storing, at least temporarily, the console information at the memory module.

Co-pending Application # 10/039051	Instant Application # 10/039129
27. Logic encoded in media for storing console information, the logic operable to perform the following steps:	22. Logic encoded in media for storing console information associated with a plurality of computing devices, each computing device having a respective console, and a respective console interface, the logic being operable to perform the following steps:
	couple a console server for communication with the plurality of computing devices, the console server including a memory module;
transmit console information associated with a console, from a console interface;	transmit console information associated with the respective console, from the respective console interface;
receive the console information at a memory	receive the console information at the memory

module;	module;
and store the console information at the memory module.	and store, at least temporarily, the console information at the memory module.

Co-pending Application # 10/039051	Instant Application # 10/039129
31. The logic encoded in media for storing console information associated with a *first computing device (plurality of computing devices)* which is coupled for communication with a second computing device, the first computing device computing a first console and a first console interface,	22. Logic encoded in media for storing console information associated with a plurality of computing devices, each computing device having a respective console, and a respective console interface, the logic being operable to perform the following steps:
and the second computing *(console server)* device including a memory module, the logic operable to perform the following steps:	couple a console server for communication with the plurality of computing devices, the console server including a memory module;
transmit first console information associated with the first console from the first console interface to the memory module;	transmit console information associated with the respective console, from the respective console interface;
receive the first console information at the memory module;	receive the console information at the memory module;
and store the first console information at the memory module.	and store, at least temporarily, the console information at the memory module.

Co-pending Application # 10/039051	Instant Application # 10/039129
35. A system for storing console information, comprising:	27. A system for storing console information associated with a plurality of computing devices, each computing device having a respective console, and a respective console interface, comprising:
	means for coupling a console server for communication with the plurality of computing devices, console server including a memory module;
means for transmitting console information associated with a console, from a console interface;	means for transmitting console information associated with the respective console, from the respective console interface;
means for receiving the console information at a memory module;	means for receiving the console information at the memory module;
and means for storing the console information at the memory module.	and means for storing, at least temporarily, a console information at the memory module.

Co-pending Application # 10/039051	Instant Application # 10/039129
39. A system for storing console information, comprising:	27. A system for storing console information associated with a plurality of computing

	devices, each computing device having a respective console, and a respective console interface, comprising:
means for coupling a first computing device *(plurality of computing devices)* and a second computing device *(console server)*, the first computing device including a first console and a first console interface, and the second computing device including a memory module;	means for coupling a console server for communication with the plurality of computing devices, console server including a memory module;
means for transmitting first console information associated with the first console from the first console interface to the memory module;	means for transmitting console information associated with the respective console, from the respective console interface;
means for receiving the first console information at a memory module;	means for receiving the console information at the memory module;
and means for storing the first console information at the memory module.	and means for storing, at least temporarily, a console information at the memory module.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

7.   With regard to claim 1, the limitation "the respective consoles enabling manual control of

the plurality of computing devices" renders the claim indefinite. It is not clear whether 1) the

respective consoles enable manual control for *only* the computing device they are directly

connected with or 2) the respective consoles are able to be manually controlled by all of the

plurality of computing devices (i.e. a console can be remotely controlled by any computing

devices that the console is not directly apart of). The latter is presumed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1, 17, 22, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Paroz

(U.S. Patent Number 6,587,125; hereinafter Paroz).

9.   Regarding claims 1, 17, 22, and 27, Paroz disclosed a system, comprising:

  □ a plurality of computing devices (Figure 1), each computing device having a

  respective console (e.g. the display of each device), and a respective console interface

  (local server sending UI output to the mediator, Col 7, lines 16-18);

  □ each console interface being operable to transmit console information (e.g. UI output)

  associated with the respective console (Col 7, lines 16-18);

  □ a console server (mediator, Figure 1) coupled for communication with the plurality of

  computing devices, the console server including a memory module (required for

  processing, Col 7, lines 25-30); and

  □ wherein the memory module is operable to receive and store at least a portion of the

  console information (storage is required (at least temporarily) for the processing of

  the passed UI information; Col 7, lines 25-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10. Claims 1-2, 4-8, 10-12, 17-20, 22-25, and 27-30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Othmer et al. (U.S. Patent Number 6,167,358; hereinafter Othmer) and

Zhu et al. (U.S. Patent Number 6,691,154; hereinafter Zhu).

11. Regarding claim 1, Othmer discloses a system, comprising:

- a plurality of computing devices (Figure 1, client computers), each computing device

  having a respective console (e.g. inter alia, the displays of client computers in figure 2

  or any input device used for the user to enter actions, Col 8, lines 35-39), and a

  respective console interface (nub and transceiver; Figure 3, Components 82 and 84);

- each console interface being operable to transmit console information (black box

  data) associated with the respective console (Col 8, line 66 – Col 9, line 5);

- a console server coupled for communication with the plurality of computing devices

  (Figure 1), the console server including a memory module (Figure 2, Component 66);

  and

- wherein the memory module is operable to receive and store at least a portion of the

  console information (Col 9, lines 2-3).

Othmer disclosed the invention substantially as claimed however, Othmer failed to

specifically recite the respective consoles enabling manual control of the plurality of computing

devices. Nonetheless, it was well known in the art at the time of the invention to manually

control a computer remotely, as evidenced by Zhu. In an analogous art, Zhu disclosed a remote

control system where consoles are able to manually control other computing devices (Figure 1, a

remote expert controlling a local unattended server and Col 5, lines 42-49). Zhu further

disclosed that such a system allows users to debug (troubleshoot) applications remotely (Col 2,

lines 24-29). Thus, one of ordinary skill in the art at the time of the invention would have been

motivated to incorporate the teachings of Zhu within the system of Othmer, so that applications

could be remotely debugged (Zhu Col 2, lines 24-29).

12. Regarding claims 17, 22, and 27, Othmer discloses a method for storing console information

associated with a plurality of computing devices, each computing device having a respective

console, and a respective console interface, comprising:

- ❑ coupling a console server for communication with a plurality of computing devices

  (Figure 1), the console server including a memory module (Figure 2, Component 66);

- ❑ transmitting console information associated with the respective console (black box

  data), from the respective console interface (nub and transceiver, Col 8, lines 8-12

  and Col 8, line 66- Col 9 line 2);

- ❑ receiving the console information at the memory module (Col 8, line 66 – Col 9, line

  5); and

- ❑ storing, at least temporarily, the console information at the memory module (database

  66, Col 9, lines 5-7).

Othmer disclosed the invention substantially as claimed however, Othmer failed to

specifically recite the console server able to manually control of the plurality of computing

devices. Nonetheless, it was well known in the art at the time of the invention to manually

control a computer remotely, as evidenced by Zhu. In an analogous art, Zhu disclosed a remote

control system where consoles are able to manually control other computing devices (Figure 1, a

remote expert controlling a local unattended server and Col 5, lines 42-49). Zhu further

disclosed that such a system allows users to debug (troubleshoot) applications remotely (Col 2, lines 24-29). Thus, one of ordinary skill in the art at the time of the invention would have been motivated to incorporate the teachings of Zhu within the system of Othmer, so that applications could be remotely debugged (Zhu Col 2, lines 24-29).

13. Regarding claims 2, 18, 23, and 28, Othmer discloses each console interface is operable to transmit the console information to the console server, periodically (intermittently) (Col 12, lines 59-62).

14. Regarding claim 4, Othmer discloses the console information is transmitted to the console server in response to a predefined event, circumstance, alert or situation (Col 12, lines 59-62).

15. Regarding claims 5, 19, 24, and 29, Othmer discloses the console server is operable to transmit requests (configuration file) to the plurality of computing devices to transfer at least a portion of the console information to the console server [through a configuration file sent from the server to a client(s) (Col 12, lines 18-30), the server can request information to be collected and then sent to itself (Col 12, lines 59-64)].

16. Regarding claim 6, Othmer discloses the requests comprise interrupt driven/on demand requests (Col 5, lines 48-52).

17. Regarding claim 7, Othmer discloses wherein the console server is operable to transmit the requests in response to a predefined event (Col 5, lines 41-48).

18. Regarding claim 8, Othmer discloses wherein each console interface is further operable to transmit the console information associated with the respective console, in real-time (Col 12, lines 59-62).

19. Regarding claim 10, Othmer discloses the console server is located in a remote location from at least one of the plurality of computing devices, and the console server is coupled with the plurality of computing devices over a communication network (Figure 1).

20. Regarding claims 11, 20, 25, and 30, Othmer discloses the console server is operable to present the console information regarding each of the plurality of computing devices, at a graphical user interface, during a single communication session (Col 14, lines 29-32).

21. Regarding claim 12, Othmer discloses wherein the console server comprises a network interface card (inherent for network communication with the clients), and the plurality of computing devices comprise server processing cards (inherently within any computing device that is capable of "computing and processing data").

22. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer et al. (U.S. Patent Number 6,167,358; hereinafter Othmer) and Zhu et al. (U.S. Patent Number 6,691,154; hereinafter Zhu) and Examiner's Official Notice.

23. Regarding claim 3, Othmer discloses transmitting the console information to the console server (as cited above), however Othmer and Zhu both fail to specifically recite transmitting such information at predetermined time intervals. The Examiner takes Official Notice that it was well known in the art at the time of invention to schedule sending information from a client to a server at predetermined time intervals. It would obvious to one of ordinary skill in the art at the time of invention to modify the Othmer system to transmit historical console information to the server at predetermined time intervals, in order to ensure the server does not become overloaded with numerous clients transmitting data all at once.

24. Regarding claim 9, Othmer and Zhu both fail to specifically recite the memory module

comprises a buffer. The Examiner takes Official Notice that it was well known in the art at the

time of invention to use buffered memory for storage so when the memory reaches capacity it

can be overwritten with new data. It would have been obvious to one of ordinary skill in the art

at the time of invention to use buffered memory in the combined Othmer and Zhu system so

when the memory reaches capacity it can be overwritten with new data.

25. Claims 13, 21, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Othmer et al. (U.S. Patent Number 6,167,358; hereinafter Othmer) and Zhu et al. (U.S. Patent

Number 6,691,154; hereinafter Zhu) and Nguyen et al. (U.S. Patent Number 6,609,213;

hereinafter Nguyen).

26. Regarding claims 13, 21, 26, and 31, Othmer and Zhu both fail specifically recite a backup

console server operable to monitor communications with the console server, and wherein the

backup console server is operable to assume responsibilities of the console server if a

communication failure with the console server is detected. However, it was well known in the

art at the time of invention to use backup or redundant servers for ensuring consistent network

server connectivity to client devices, as evidenced by Nguyen. In a related art, Nguyen discloses

a backup server cluster monitors communications with a server to detect a failure (Col 3, lines

32-34). If a failure is detected the backup server cluster assumes responsibilities of the server

(Col 3, lines 34-41). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the combined Othmer and Zhu system to include the backup server

functionality disclosed by Nguyen, in order to maintain consistent network server connectivity to

client devices.

27. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer et al.

(U.S. Patent Number 6,167,358; hereinafter Othmer) and Qiu (U.S. Patent Application

Publication Number 2002/0124128).

28. Regarding claim 14, Othmer discloses:

- a plurality of computing devices (Figure 1, client computers), each computing device

  having a respective console (inherent), and a respective console interface (nub and

  transceiver; Figure 3, Components 82 and 84);

- each console interface being operable to transmit console information (black box

  data) associated with the respective console (Col 8, line 66 – Col 9, line 5);

- a console server coupled for communication with the plurality of computing devices

  (Figure 1), the console server including a memory module (Figure 2, Component 66);

  and

- wherein the memory module is operable to receive and store at least a portion of the

  console information (Col 9, lines 2-3).

However, Othmer fails to disclose the plurality of server processing cards (computing

devices) are housed within a single server chassis. Nevertheless it was well known in the art at

the time of the invention to house a plurality of computing devices within a server chassis, as

evidenced by Qiu. In a related art, Qiu discloses a server chassis that contains multiple server

processing cards (pg 4, ¶ 58, lines 1-8). Qiu further discloses that such a high density server

configuration is reliable, versatile and economical (pg 2, ¶ 29). It would have been obvious to

one of ordinary skill in the art at the time of invention to modify Othmer's system to house

multiple computing devices (server processing cards) within a single server chassis as disclosed

by Qiu, since such a compact design is reliable, versatile and economical.

29. Regarding claim 15, Othmer discloses a communication bus (network) forming the

communication coupling between the console server and the plurality of server processing cards

(Othmer, Figure 1).

30. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer et al. (U.S.

Patent Number 6,167,358; hereinafter Othmer) and Qiu (U.S. Patent Application Publication

Number 2002/0124128) and further in view of Bassman et al. (U.S. Patent Number 6,408,334;

hereinafter Bassman).

Regarding claim 16, Othmer and Qiu fail to disclose coupling the communication bus comprises

an RS-485 communication bus. In a related art, Bassman discloses coupling multiple computing

devices for communication using an RS485 bus (Figure 1). It would have been obvious to one of

ordinary skill in the art at the time of invention to modify the combined Othmer and Qiu system

to communicate using an RS485 bus as disclosed by Bassman, in order to allow for the

management of multiple computers via a single network line (Bassman Col 1, lines 49-52).

Response to Arguments

31. In response to Applicant's request for reconsideration filed on 6/13/05, the following factual

arguments are noted:

     a. Othmer failed to disclose a console.

     b. Othmer failed to disclose a console enabling manual control of a plurality of

        computing devices.

     c. The combination of Othmer and Qiu is improper.

In considering (a), Examiner respectfully disagrees with Applicant's argument. Othmer

clearly disclosed a console, see for instance the monitors of Figure 1. Further a key aspect of

Othmer is recording the *actions* taken by users (see inter alia, Col 8, lines 35-39) thus, Othmer

clearly provides a console so users can interact with the computer system.

In considering (b), Examiner agrees with Applicant's argument and accordingly a new

grounds of rejection is set forth to address Applicant's new limitations.

In considering (c), Examiner respectfully disagrees with Applicant's argument. In

response to applicant's argument that there is no suggestion to combine the references, the

examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In the instant case, the motivation clearly comes from the Qiu reference as mapped in the above

office action. Further, with regard to Applicant's contention that Othmer teaches away,

Examiner respectfully disagrees. Othmer merely disclosed **A** non limiting embodiment where a

distributed set of client computers is monitored. Further Othmer clearly stated that the disclosed

system monitors any type of computer based system (Col 4, lines 51-56).

Conclusion

32. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent

to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The

examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/25/05

Dung C. Dinh
Primary Examiner